IN RE: PETITION FOR ZONING VARIANCE \* BEFORE THE

S/S Northpoint Blvd., 345 ft.

+/- E of c/l Norris Lane \* ZONING COMMISSIONER

2719 North Point Blvd.

15th Election District \* OF BALTIMORE COUNTY

7th Councilmanic District

Legal Owner: SSAK Partnership \* Case No. 96-519-A

Lessee: Cox Auto Parts, Inc.

\* \* \* \* \* \* \* \* \* \*

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as a Petition for Variance for the property located at 2719 North Point Boulevard in eastern Baltimore County. The Petition is filed by SSAK Partnership, property owner and Cox Auto Parts, Inc., Lessee. Both of those entities are family businesses operated by Stanley Dansicker, identified on the Petition as a Partner of the SSAK Partnership. Variance relief is requested from Sections 102.2 and 238.2 of the Baltimore County Zoning Regulations (BCZR) to permit a distance of 36 ft. between buildings in lieu of the required 60 ft. The request for variance in the instant case actually seeks an amendment from relief previously granted in case No. 96-141-A. In that matter, I granted variance relief to allow a 52 ft. distance between buildings in lieu of the required 60 ft. The variance relief is sought in accordance with nonconforming use granted in a prior case (case No. 38-14).

Appearing at the public hearing held for this case was Stanley Dansicker, on behalf of the Petitioner. Also present was Paul Lee, the engineer who prepared the site plan. There were no Protestants or other interested persons present.

As noted above, a Petition for Variance for this property recently came before me within case No. 96-141-A. By Order of March 22, 1996, I granted variance relief for reasons fully set forth in the Findings of Fact and Conclusions of Law issued on that date. To the extent that same are not expressly modified by this opinion, those previous findings,

ORDER RECEIVED FOR FILMS
Dotte
By
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conclusions and the order issued in connection therewith is hereby adopted.

The relief requested in that case was to permit construction of a building addition on the southeast side of the lot. As shown on the previously submitted site plan, the proposed addition was to be located approximately 2 ft. from the property line, and would maintain a setback of 52 ft. from an existing shed. In that the BCZR mandates that a minimum 60 ft. distance be observed between buildings, a variance of 8 ft. was sought. As fully discussed in my prior Order, that variance was granted.

At the hearing on the pending Petition, Mr. Lee testified that when the Petitioner attempted to obtain permits to construct the building, he was advised that same must be set back 15 ft. from the property line. Apparently, the fire code requires that minimum setback, in view of the intended industrial use of the building. Thus, the building's location was shifted on the property to meet the 15 ft. required setback. In view of this relocation, the proposed addition will now be only 36 ft. from the existing shed; thus, the instant variance is requested.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, I am persuaded to grant the Petition for Zoning Variance. In my judgment, a relocation of the building is appropriate in view of the Fire Department's standards. It is to be noted that the lot is relatively narrow and this unique characteristic justifies the variance relief. Moreover, a clustering of the buildings within the lot would cause less impact on the surrounding locale. For all of these reasons, I will grant the Petition for Variance.

It is to be noted that a Zoning Plans Advisory Committee (ZAC) comment was received regarding the Petition from the Office of Planning. This comment suggested that certain landscaping be undertaken on the site consistent with the County's efforts to upgrade the North Point Boulevard

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By

corridor. This ZAC comment is consistent with the comment issued in the previous case, which was discussed fully in my prior opinion. The amended variance request presented in this case does not, in my judgment, alter the reasoning previously applied to this issue. As I pointed out in the prior Order, the inherent nature and use of the site limit the amount of visual screening which can be applied. However, some efforts to buffer the use from North Point Boulevard, consistent with the County's revitalization efforts in the overall area, is appropriate. For those reasons, the restrictions previously entered in the prior decision shall remain in full force and effect.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the relief requested should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this day of August, 1996 that a variance from Sections 102.2 and 238.2 of the Baltimore County Zoning Regulations (BCZR) to permit a distance of 36 ft. between buildings in lieu of the required 60 ft., be and is hereby GRANTED, subject, however, to the following restriction:

- 1. The Petitioner is hereby made aware that proceeding at this time is at its own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2. Except as expressly modified herein, the Order and restrictions previously entered in case No. 96-141-A are binding on the Petitioner.

LAWRENCE E. SCHMIDT Zoning Commissioner for Baltimore County

LES/mmn

Baltimore County Government Zoning Commissioner Office of Planning and Zoning



Suite 112 Courthouse 400 Washington Avenue Towson, MD 21204

(410) 887-4386

August 2, 1996

Mr. Stanley Dansicker SSAK Partnership 2719 North Point Boulevard Baltimore, Maryland 21222

> RE: Petition for Variance Case No. 96-519-A Property Location: 2719 North Point Blvd.

Dear Mr. Dansicker:

Enclosed please find the decision rendered in the above captioned case. The Petition for Variance has been granted, in accordance with the attached Order.

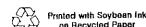
In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3353.

Very truly yours

Lawrence E. Schmidt Zoning Commissioner

LES:mmn encl.

c: Mr. Paul Lee, 304 W. Pennsylvania Avenue, Towson, Md. 21204



# Petition for Variance

## to the Zoning Commissioner of Baltimore County

CS I LC	for the property	located at	2719 North Point Blvd.
96	-519-A		which is presently zoned Br-CS-1, BR &
his Patition of The undersignerate and magnetic and magne	ehall be filed with the Office of gned, legal owner(s) of the propo- ade a part hereof, hereby petition ermit a distance of ranted 52' Case #96 ieu of the previous	orty effuate in Balt of or a Variance from 36' betwe –141A (req 1v granted	entration & Development Management.  Simore County and which is described in the description and plat attached om Section(s) 102.2 & 238.2 of the BCZR to en buildings in lieu of the previously uired 60') an additional variance of 16'in 8' or 24' (Required 24') in accordance d in Case #3814.  aw of Baltimore County, for the following reasons: (Indicate hardship or
practical diffic	ulty)		or same of sounds, for the following reasons. (maicate narasinp of
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i, or we, agre	ië të pay expenses of above Vari	ance advertising.	ribed by Zoning Regulations.  posting, etc., upon filing of this petition, and further agree to and are to a County adopted pursuant to the Zoning Law for Baltin are County.
		,	.  I/We do solennily declare and affirm, under the penalties of perjury, that I/we are the
ontract Purchaser	r/Lessee:		legal owner(s) of the property which is the subject of this Petition Legal Owner(s)
Cox Aut	o Parts, Inc.		SSAK Partnership
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2719 No	orth Point Blvd.		Stanky Danciskee (PATILED)
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ypo of Print Name	<b>a</b> )	l	2719 North Point Byld. (410) 288-6646
165 A. L. W. C. C. C.	<b>~</b> ,		Phone No
gnature			Baltimore, Maryland 21222
gnaarv	·	! f	Name, Address and phone number of representative to be contacted
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ity	State	Zipcode	Ad 204 W. Pennsylvania Ave 821-5941
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## Paul Lee Engineering Inc. 96-59-9 304 W. Pennsylvania Ave. Towson, Maryland 21204 410-821-5941

#### DESCRIPTION

## #2719 NORTH POINT BOULEVARD 15TH ELECTION DISTRICT - BALTIMORE COUNTY, MARYLAND

Beginning for the same at a point located on the south side of North Point Boulevard, said point also being located 345 feet ± east of the center of Norris Lane; thence leaving said south side of North Point Boulevard:

- (1) South 24<sup>0</sup>42'12" East 9.20 feet
- (2) South 45°07'41" West 127.84 feet
- (3) South 24<sup>0</sup>42'12" East 36.06 feet
- (4) South 65<sup>0</sup>17'48" West 280.15 feet
- (5) South 24<sup>0</sup>42'12" East 164.25 feet, and
- (6) North 65<sup>0</sup>17'48" East 515.87 feet

to the south side of North Point Boulevard; thence binding on the south side of North Point Boulevard

(7) North 49<sup>o</sup>14'00" West - 278.75 feet to the point of beginning.

Containing 2.00 acres of land, more or less.



#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTI RE COUNTY

Townen, Maryland

96-519-11

District 15 ish	Date of Posting 91319
Posted for: Uaviones	
Petitioner: 35 AIE Pay trions	hip of Cox Auto Ports
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## Baltimore County Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

July 3, 1996

#### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore
County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204

or

Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-519-A
2719 North Point Boulevard
S/S North Point Boulevard, 345'+/- E of c/l Norris Lane
15th Election District Legal Owner(s): SSAK Partnership
Contract Purchaser/Lessee: Cox Auto Parts, Inc.

Variance to permit a distance of 36 ft. between buildings in lieu of the perviously granted 52 ft. in Case #96-141-A (required 60) an additional variance of 16 ft. in lieu of the previously granted 8 ft. or 24 ft. (required 24 ft.) in accordance with non-conforming use granted in Case #3814.

HEARING: TUESDAY, JULY 30, 1996 at 11:00 a.m. in Room 118, Old Courthouse.

Arnold Jablon

Director

cc:

Cox Auto Parts/SSAK Partnership

Paul Lee

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.

- (2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
- (3) FOR INFORMATION CONCERING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.

TO: PUTUXENT PUBLISHING COMPANY
July 11, 1996 Issue - Jeffersonian

Please foward billing to:

Cox Auto Parts, Inc. 2719 North Point Blvd. Baltimore, MD 21222 288-6646

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LAWRENCE E. SCHMIDT ZONING COMMISSIONER FOR BALTIMORE COUNTY

NOTES: (1) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.

(2) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, PLEASE CALL 887-3391.



### Baltimore County Department of Permits and Development Management

Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

July 25, 1996

Mr. Stanley Dansicker SSAK Partnership 2719 North Point Boulevard Baltimore, MD 21222

RE: Item No.: 524

Case No.: 96-519-A

Petitioner: SSAK Partnership

Dear Mr. Dansicker:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on June 28, 1996.

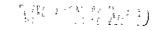
Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

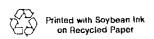
If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Roslyn Eubanks in the zoning office (887-3391).

Sincerely,

W. Carl Richards, Jr. Zoning Supervisor

WCR/re
Attachment(s)





#### INTEROFFICE MEMORANDUM

#### 9661 ,71 JIA9A

TO: Arnold Jablon Stanley Schapiro

FR: Eugene Freeman

KE: Brudo Jetter, Wational Kidney Foundation of Maryland

I am forwarding the above referenced letter with attachments to you with a recommendation that it be sent to the county attorney for review and response.

At issue is the legality of using a paid management group external to the non-profit or charitable organization to assist in the conduct of bingo games. The Internal Revenue Service does not policy resulting from previous opinions of the Christ county policy resulting from previous opinions of the Christ county that section 252, Annotated Code of Maryland, permits the use of paid personnel to conduct bingo games. The Christon previous opinions of the Christon previous opinions of the bingo games.

Ms. Miller of the Internal Revenue Service telephoned me on April 16, 1996, to let me know that she had received a copy of the Watlonal Kidney Foundation of Maryland letter. She cautioned me with regard to our response to the letter, since the county and the with regard to our response to the letter, since the county and the provisions of the Annotated Code of Maryland.

Ms. Miller also indicated that she has been trying to contact the county attorney regarding this issue for some time, but has not been successful.

Please let me know when you will be available. There are some other details that I can provide verbally.

EAF / nmn

attachments

#### DEPARTMENT OF ENVIRONMENTAL PROTECTION AND RESOURCE MANAGEMENT

#### INTER-OFFICE CORRESPONDENCE

T0:

PDM

DATE: 7-9-96

FROM:

R. Bruce Seeley

Permits and Development Review

**DEPRM** 

SUBJECT:

Zoning Advisory Committee Meeting Date:

The Department of Environmental Protection & Resource Management has no comments for the following Zoning Advisory Committee Items:

Item #'s:

514

RBS:sp

BRUCE2/DEPRM/TXTSBP

Hunfuly 7-9-9/1

#### Baltimore County Government Fire Department



700 East Joppa Road Towson, MD 21286-5500

Office of the Fire Marshal (410) 887-4880

DATE: 07/12/96

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: PAUL E. FEILD, JR.

Location: E/S HARFORD RD., 510' FROM CENTERLINE SUNSHINE AVE.

(12619 HARFORD RD.)

Item No.: 509

Zoning Agenda: VARIANCE

#### Gentlemen:

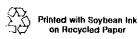
Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time, IN REFERENCE TO THE FOLLOWING ITEM NUMBERS:510,511,512,513,514,515,516,517,518,519,520,521,522,523,524 AND 525.

REVIEWER: LT. ROBERT P. SAUERWALD

Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File



#### INTEROFFICE CORRESPONDENCE

TO:

Arnold Jablon, Director

Date: July 16, 1996

Department of Permits & Development

Management

FROM:

Robert W. Bowling, Chief

Development Plans Review Division

SUBJECT:

Zoning Advisory Committee Meeting

For July 15, 1996

Item No. 524

The Development Plans Review Division has reviewed the subject zoning item. Subject to Landscape Manual. Proposed landscaping should consist of a streetscape/buffer for North Point Boulevard. Utilize State right-of-way if necessary.

RWB:HJO:jrb

cc: File

#### INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director, PDM			July 16,	1996			
FROM: Arnold F. "Pat" Keller, III, Director, OP							
SUBJECT: 2719 North	h Point Boulevard						
INFORMATION:							
Item Number:	524						
Petitioner:	SSAK Partnership	·		<del></del>			
Property Size:		<u> </u>					
Zoning:	BR-AS, BR and BL		<del></del>				
Requested Action:	Variance						
Hearing Date:				<del></del>			
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#### SUMMARY OF RECOMMENDATIONS:

Based on the County's attempt to improve the visual quality along the North Point Boulevard Corridor and previous comments for other properties along North Point Boulevard, this office recommends the front of the property be improved with street trees. Therefore, the applicant should meet with Avery Harden for the purpose of approving a landscape plan prior to the issuance of building permits. In order to reinforce attempts to improve visual quality, no temporary or seasonal banners should be permitted along North Point Boulevard.

Prepared by:

Division Chief:

PK/JL

MOROHIV

RE: PETITION FOR VARIANCE \*
2719 North Point Boulevard, S/S North Point

Boulevard, 345'+/- E of c/l Norris Lane 15th Election District, 7th Councilmanic BEFORE THE

ZONING COMMISSIONER

OF BALTIMORE COUNTY

Legal Owner(s): SSAK Partnership

And The Williams

Contract Purchaser/Lessee: Cox Auto Parts, Inc.
Petitioner \*

CASE NO. 96-519-A

\* \* \* \* \* \* \* \* \* \* \*

#### ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the abovecaptioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

PETER MAX ZIMMERMAN

People's Counsel for Baltimore County

CAROLE S. DEMILIO

Deputy People's Counsel Room 47, Courthouse 400 Washington Avenue

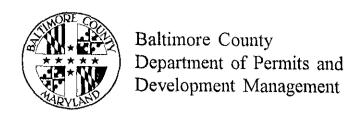
Towson, MD 21204 (410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 30 day of July, 1996, a copy of the foregoing Entry of Appearance was mailed to Paul Lee, 304 W.

Pennsylvania Avenue, Towson, MD 21204, representative for Petitioner.

PÉTER MAX ZIMMERMAN



Development Processing County Office Building 111 West Chesapeake Avenue Towson, Maryland 21204

96-519 Hearin 1/30/96 at 11:00.4.m.

July 29, 1996

Mr. Paul Lee 304 West Pennsylvania Avenue Towson, MD 21204

RE: Drop-Off Petition Review (Item #524)

2719 North Point Boulevard Legal Owner: SSAK Partnership

Contract Purchaser: Cox Auto Parts, Inc.

15th Election District

Dear Mr. Lee:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

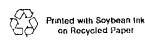
Need original signature and title (authorization) for contract purchaser/lessee (Cox Auto Parts).

Use of proposed addition (i.e., general office?); shown parking calculation = 3.3/1,000 square feet.

Give dimensions of existing sign.

Show traffic flow; i.e. on entire site.





DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT TOWSON, MARYLAND 21204

BUILDINGS ENGINEER

AND STATES

Mr. Paul Lee July 29, 1996 Page 2

Add Floor Area Ratio (FAR).

Need to verify use of "trailer". What zoning hearing authorized this use.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

John J. Sullivan, Jr.

full or

Planner II Zoning Review

JJS:scj

Enclosure (receipt)

c: Zoning Commissioner



DEPARTMENT OF PERMITS AND DEVELOPMENT MANAGEMENT TOWSON, MARYLAND 21204

20 July 10R

BUILDINGS ENGINEER

